

Before the
FEDERAL COMMUNICATIONS COMMISSION.
Washington, D.C. 20554

In the Matter of:)
)
Amendment of Section 73.215 of the) RM-11643
Commission's Rules, Related to Contour)
Protection for Short Spaced FM Assignments)

TO: Marlene Dortch, Secretary
Federal Communications Commission
Attn: Media Bureau

COMMENTS OF KD RADIO, INC.

Pursuant to Section 1.405 of the Commission's Rules and Regulations, KD Radio, Inc. ("KD"), hereby respectfully submits the following Comments on the Petition for Rulemaking filed in this proceeding by SSR Communications, Inc. ("SSR").

KD is the licensee of FM station KDSK, licensed to Grants, New Mexico. KDSK currently operates as a Class C2 facility, and holds an FCC construction permit for a change in transmitter location and an upgrade to Class C1.

For many years, KD has been pursuing a permit from the U.S. Forest Service to install a new tower and transmitting facility to implement the Class C1 operation at a site near Grants known as "Rinconada". KD has received the support of numerous public safety agencies and others including the governments of nearby Native American Pueblos toward the construction of the new facility. Despite its best efforts and the support mentioned herein, the U.S. Forest Service has decided upon appeal to take "no action" toward granting the permit, essentially denying KD's application. After expending years of effort and many tens of thousands of dollars on environmental and engineering studies on Rinconada to no avail, KD has exhausted its available financial resources to further pursue the Rinconada permit at this time.

KD continues to wish to upgrade the signal of KDSK so as to improve its service to the communities, Native American reservations and rural areas surrounding Grants, New Mexico.

An alternative location at which to situate the transmitter site for the upgrade exists at a Forest Service electronic site known as “La Mosca Peak”. At this time, reserved-band stations KVLK (FM Channel 208C3) and KLGQ (FM Channel 212C2) operate with their transmitters at La Mosca Peak. However, according to Section 73.207 of the Commission’s Rules, KDSK on FM Channel 224C2 at La Mosca Peak would be “short-spaced” by 0.65 kilometers to second adjacent KRST (FM Channel 222C) and “short-spaced” by 0.56 kilometers to third adjacent Kkob-FM (FM Channel 227C), thereby precluding the operation of KDSK at La Mosca Peak under the “distance separation” requirements of Section 73.207 of the Commission’s Rules.

Using a contour protection analysis of KDSK as a Class C2 station at La Mosca Peak, KDSK would easily meet the contour overlap requirements of Section 73.215 of the Rules when the currently licensed facilities of KRST and Kkob-FM are considered. It is noted that Kkob-FM is operating at its class maximum of 20 kilowatts for its antenna HAAT, while KRST is actually operating as a grandfathered facility with 22 kilowatts, even greater power than its class maximum for its antenna HAAT.

However, as Section 73.215 requires that existing stations must be considered as operating at the standard class HAAT and power as outlined in Section 73.211, for the purpose of analysis, KRST must have its HAAT lowered by 668 meters and its ERP raised to 100 KW while Kkob-FM must have its HAAT lowered by 652 meters and its ERP raised to 100 KW. This results in the anomaly of each of these considered stations being analyzed with its antenna some 600 meters underground. Both KRST and Kkob-FM have been operating at their licensed sites since the 1960’s, and at their currently licensed ERP since the mid-70’s. Please see Exhibit 1, KDSK TO KRST CONTOUR MAP, and Exhibit 2, KDSK TO Kkob-FM CONTOUR MAP.

KD supports all aspects of the SSR petition, and hereby respectfully requests that the Commission implement the proposed rule changes at the earliest possible date. In order to improve its service to Grants, New Mexico, the surrounding communities, and native American reservations, when the Rules are changed, KD will immediately submit an application for Minor Change to specify the operation of KDSK as a Class C2 facility at La Mosca Peak which will provide full contour protection to stations KRST and Kkob-FM as they are currently licensed.

Respectfully submitted,
KD RADIO, INC.

A handwritten signature in dark ink, appearing to read "Derek Underhill". The signature is fluid and cursive, with the first name "Derek" and last name "Underhill" clearly distinguishable.

Derek Underhill, President
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EXHIBITS 1 AND 2 ARE PRESENTED ON THE FOLLOWING TWO PAGES.

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EXHIBIT 1 – KDSK TO KRST CONTOUR MAP

The map below demonstrates that operation of KDSK on FM Channel 224C2 at La Mosca Peak will not cause prohibited overlap with the licensed facility of KRST on FM Channel 222C. However, under the current Rules in Section 73.215, when the contours are analyzed with the KRST antenna over 600 meters underground, the operation of KDSK at La Mosca Peak is prohibited.

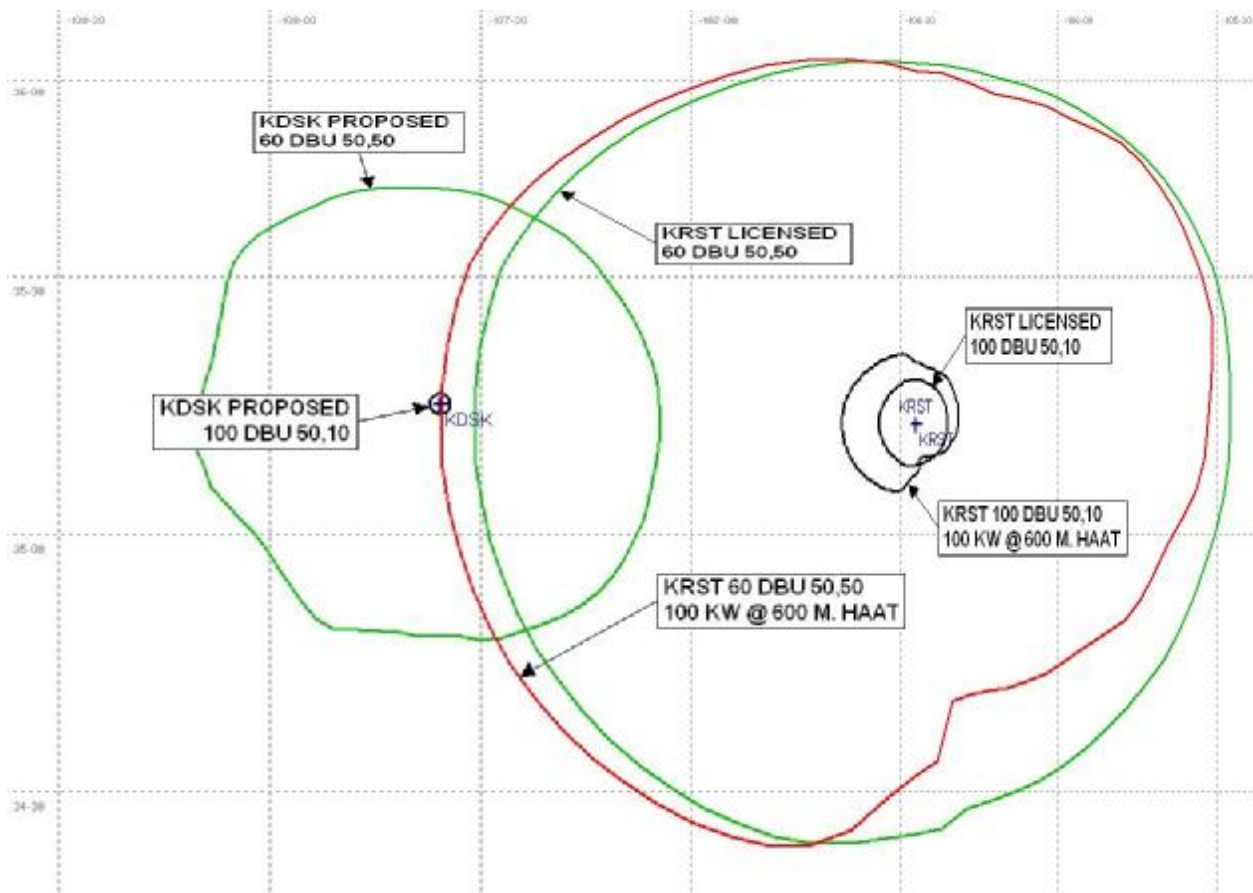


EXHIBIT 2 – KDSK TO KKOB-FM CONTOUR MAP

The map below demonstrates that operation of KDSK on FM Channel 224C2 at La Mosca Peak will not cause prohibited overlap with the licensed facility of KKOB-FM on FM Channel 227C. However, under the current Rules in Section 73.215, when the contours are analyzed with the KKOB-FM antenna over 600 meters underground, the operation of KDSK at La Mosca Peak is prohibited.

